

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Nicholas A. SCEUSA

Application No.: 10/734,155

Filed: December 15, 2003

For: METHODS AND COMPOSITIONS FOR BLOCKING ...

Art Unit: 1616

Examiner: John D. Pak

Washington, D.C.

Atty.'s Docket: SCEUSA=3A

Date: March 4, 2005

Confirmation No. 2090

THE COMMISSIONER OF PATENTS
U.S. Patent and Trademark Office
Customer Service Window
Randolph Building, Mail Stop Amendment
401 Dulany Street
Alexandria, VA 22314

Sir:

Transmitted herewith is a [XX] REPLY: RESTRICTION REQUIREMENT AND REMARKS in the above-identified application.

[] Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

[XX] No additional fee is required.

[] The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	*	MINUS	** 20	0
INDEP.	*	MINUS	*** 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

ADDITIONAL FEE TOTAL

SMALL ENTITY		
RATE	ADDITIONAL FEE	
x 25	\$	
x 100	\$	
+ 180	\$	

OTHER THAN SMALL ENTITY		
RATE	ADDITIONAL FEE	
x 50	\$	
x 200	\$	
+ 360	\$	

OR

OR

TOTAL

\$

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- ** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
- *** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

- [] First - \$ 60.00
- [] Second - \$ 225.00
- [] Third - \$ 510.00
- [] Fourth - \$ 795.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

- [] First - \$ 120.00
- [] Second - \$ 450.00
- [] Third - \$ 1020.00
- [] Fourth - \$ 1590.00

Month After Time Period Set

[] Less fees (\$) already paid for ___ month(s) extension of time on _____.

[] Please charge my Deposit Account No. 02-4035 in the amount of \$ _____.

[] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ _____.

[] A check in the amount of \$ _____ is attached (check no.).

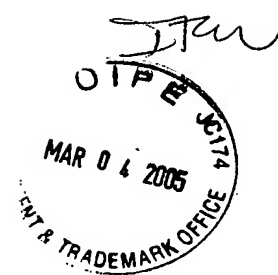
[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

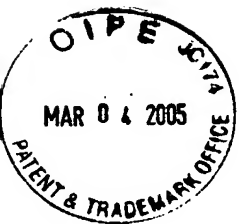
BROWDY AND NEIMARK, P.L.L.C.

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REPLY TO RESTRICTION REQUIREMENT AND REMARKS

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window
Randolph Building, Mail Stop Amendment
401 Dulany Street
Alexandria, VA 22314

Sir:

The Office Action mailed February 10, 2005, in the nature of a requirement for restriction, has been carefully reviewed. Favorable consideration is respectfully requested.

Restriction has been required among what the Examiner considers to be patentably distinct inventions, as follows:

- a. Group I, drawn to a method for inhibiting the calcium ion excitation secretion cascade by administering at least one metal ion wherein the animal to be treated suffers from an autoimmune disease which causes secretions and eruptions via the calcium cascade, presently comprising claims 3 and 13-16;
- b. Group II, drawn to a method for inhibiting the calcium ion excitation secretion cascade by administering at least one metal ion, wherein the animal to be treated suffers from rhinitis, presently comprising claim 4;
- c. Group III, drawn to a method for inhibiting the calcium ion excitation secretion cascade by administering at least one metal ion, wherein the animal to be treated suffers from a herpes virus infection, presently comprising claim 6.